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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,277	01/25/2002	Monty A. Forehand	P1598US01	3445

7590

04/05/2006

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EXAMINER

WONG, KIN C

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,277	Applicant(s) FOREHAND, MONTY A.	
	Examiner K. Wong	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is a response to amendment filed on 1/18/06.

Claim Objections

Claim 1 is objected under 37 CFR 1.75 (a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation in claim 1 is not clear because the event of the execution of move cycle routine for the head moving away from the beginning position while the head is continuously moving from the maximum fly height to the beginning position and so on (i.e. the move cycle routine has being executed whenever the head began to move).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sasamoto (4510541).

Sasamoto discloses a method in a disk drive for moving the read/write head at a maximum fly height in the beginning position and lowering the read/write head to a minimum fly height as the read/write head moves away from the beginning position (see figure 3 and col. 2, lines 28-42 of Sasamoto).

Claims (9-27) rejected under 35 U.S.C. 102(b) as being anticipated by McNeil (4384311).

Regarding claims 9-12 and 18-20: McNeil discloses a data storage device with a transducer and a storage medium along two dimensions with respect to each other in a data transfer relationship and control element that control the execution of the move cycle routine that across the storage medium (see figure 1; and; col. 2, lines 14-34 and the abstract of McNeil).

Regarding claim 13: McNeil depicts in figure 1 that wherein the transducer dwelling at each of plurality data storage track during the move cycle (see associated descriptions for details).

Regarding claims 14-15: McNeil teaches that wherein the transducer dwelling at a selected data track for less than one complete revolution of the data storage track during the move cycle (in col. 5, lines 3-7).

Regarding claims 16 and 25-26: McNeil teaches that wherein oscillating the transducer while the fly height is greater than the nominal fly height subsequent to completing the move cycle (in col. 5, lines 3-6 of McNeil).

Regarding claim 17: McNeil describes that the moving transducer to a nominal fly height (or to normal operation mode) subsequent to completing the move cycle (in col. 5, lines 22-25 of McNeil).

Regarding claim 21: the limitation of second separation is thirty percent greater than minimum operable data transfer separation (or below the normal flying height) are

considered inherent because McNeil describes the percentage that is greater than minimum operable data transfer separation (in col. 5, lines 1-9 of McNeil).

Regarding claims 23-24 and 27: McNeil describes the various transducer fly height between the inner diameter and the outer diameter (in col. 5, lines 10-20 of McNeil).

Response to Arguments

Applicant's arguments filed 1/18/06 have been fully considered but they are not persuasive because the arguments are directed to the new amended claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forehand (6760174) is cited for maximum and minimum fly height during the move cycle that which could be read into claim 1- see figure 3. But, it is not used because of the filing date.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (571) 272-7566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, H. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kw

27 Mar 06


K. WONG
PRIMARY EXAMINER